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EXAMINER

JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
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2621

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06/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/766,211	Applicant(s) SEO ET AL.	
	Examiner HEATHER R. JONES	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15, 18, 24-27, 29, 30, 36, 37, 43, 44, 50 and 51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15, 18, 24-27, 29, 30, 36, 37, 43, 44, 50 and 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/31/2008, 1/15/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 20, 2009 has been entered.

Response to Arguments

2. Applicant's arguments filed February 20, 2009 have been fully considered but they are not persuasive.

The Applicant argues on page 9, line 14 – page 10, line 16 that Ando et al. fails to disclose a data area storing a first stream file for presentation data and a second stream file for audio data, the presentation data being divided into a number of still picture units, the still picture units including at least one still picture and associated related data, the related data not including audio data. The Examiner respectfully disagrees. Ando et al. discloses in Fig. 4 a still picture VOB entry #1 which includes on still picture (292) and still picture information (291 - type). Fig. 11 was cited to disclose the presentation data being divided up into a number of still pictures. Therefore, Ando et al. meets the claimed limitations and the rejection is maintained.

The Applicant also argues on page 10, line 17 – page 11, line 21 that Ando et al. fails to disclose a play item including first duration information indicating whether to display the still picture in the still picture unit for one of a finite or an infinite period of time and second duration information indicating a length of time to display the still picture when the first duration information indicates to play the still picture for a finite period of time. The Examiner respectfully disagrees. Ando et al. discloses in col. 39, lines 38-64 that a maximum and minimum duration is given for displaying the still picture. If either the maximum or minimum duration is infinite then that field will be filled in with a “00h”. The maximum and minimum duration times correspond to the first and second duration information. Furthermore, the Applicant mentions that Ando et al. discloses playing the still images are not independent of the audio. However, the claims do not require the still images to be independent of the audio, but only information regarding the first and second duration times. Therefore, Ando et al. meets the claimed limitations and the rejection is maintained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2621

4. Claims 13-15, 18, 24-27, 29, 30, 36, 37, 43, 44, 50, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (U.S. Patent Application Publication 2002/0145702) in view of Ando et al. (U.S. Patent 7,054,545).

Regarding claim **13**, Kato et al. discloses a computer readable medium having a data structure for managing reproduction duration of still pictures, comprising: a playlist area storing at least one playlist file (Fig. 14), the playlist file including at least one playitem and at least one sub-playitem (Fig. 7), the playitem indicating in-point and out-point of the first stream file to reproduce at least one of the still picture units, and the sub-playitem indicating an in-point and out-point of a second stream file to reproduce the audio data (Figs. 3, 7, 32, and 40). However, Kato et al. fails to disclose a data area storing a first stream file for presentation data, and a second stream file for audio data, the presentation data being divided into a number of still picture units, the still picture units including at least one still picture and associated related data, the related data not including audio data and first duration information indicating whether to display the still picture for one of a finite and an infinite period of time and wherein the playtime further includes second duration information indicating a length of time to display the still picture when the first duration information indicates to display the still picture for a finite period of time.

Referring to the Ando et al. reference, Ando et al. discloses a computer readable medium having a data structure for managing reproduction duration of still pictures, comprising: a data area storing a first stream file for presentation

Art Unit: 2621

data and a second stream file for audio data (Figs. 1 and 7; col. 5, lines 29-33), the presentation data being divided into a number of still picture units, the still picture units including at least one still picture and associated related data, the related data not including audio data (Figs. 1, 4, and 11); a clip information area storing at least one clip information file, each clip information file being associated with at least one stream file stored in a data area, the clip information file providing a map for the associated stream file, each map mapping representation time information to address information for the associated stream file (Figs. 3 and 4; col. 7, lines 7-63; col. 9, lines 1-33); and a navigation area storing at least one playlist (col. 11, lines 12-15), the playlist referencing the clip information file and including at least one playitem, the playitem indicating at least one of the still picture units to reproduce and providing duration information for display of the still picture in the still picture unit (Figs. 7, 8, 10, and 11; col. 39, lines 38-50); wherein the first duration information indicates whether to display the still picture for one of a finite and an infinite period of time, and wherein playtime further includes second duration information indicating a length in time to display the still picture when the first duration information indicates to display the still picture for a finite period of time (col. 39, lines 38-63 – audio and still information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the duration information in the navigation information as disclosed by Ando et al. in the medium disclosed by

Kato et al. in order for the playlist to perform more efficiently by knowing the duration of each playtime thereby creating an overall better viewing experience.

Regarding claim **14**, Kato in view of Ando et al. discloses all the limitations as previously discussed with respect to claim 13 including that the related data in at least one still picture unit includes graphics data (Ando et al.: Figs. 6A and 6B).

Regarding claim **15**, Kato in view of Ando et al. discloses all the limitations as previously discussed with respect to claim 13 including that the related data in at least one still picture unit includes subtitle data (Ando et al.: Figs. 6A and 6B).

Regarding claim **18**, Kato in view of Ando et al. discloses all the limitations as previously discussed with respect to claim 13 including that each still picture unit includes only one still picture (Ando et al.: Figs. 7, 8, and 10).

Regarding claim **24**, Kato et al. discloses a method of recording a data structure for managing reproduction duration of at least one still picture on a recording medium, comprising: recording at least one playlist file on the recording medium (Fig. 14), the playlist file including at least one playitem and at least one sub-playitem (Fig. 7), the playitem indicating in-point and out-point of the first stream file to reproduce at least one still picture unit, and the sub-playitem indicating an in-point and out-point of a second stream file to reproduce the audio data (Figs. 3, 7, 32, and 40). However, Kato et al. fails to disclose recording a first stream file for presentation data and a second stream file for audio data on the recording medium, the presentation data being divided into a number of still picture units, the still picture units including at least one still picture and

Art Unit: 2621

associated related data, the related data not including audio data; and first duration information indicating whether to display the still picture for one of a finite and an infinite period of time and wherein the playtime further includes second duration information indicating a length of time to display the still picture when the first duration information indicates to display the still picture for a finite period of time.

Referring to the Ando et al. reference, Ando et al. discloses a method of recording a first stream file for presentation data and a second stream file for audio data on the recording medium, the presentation data being divided into a number of still picture units, the still picture units including at least one still picture and associated related data, the related data not including audio data; file (Figs. 3, 4, and 11; col. 7, lines 7-63; col. 9, lines 1-33); and recording at least one playlist on the recording medium (col. 11, lines 12-15), the playlist referencing the clip information file and including at least one playitem and at least one sub-playitem (Figs. 7, 8, and 10), the playitem indicating at least one still picture from a first file to reproduce and providing duration information for display of the still picture, and the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36); wherein the first duration information indicates whether to display the still picture for one of a finite and an infinite period of time, and wherein playtime further includes second duration information indicating a length in time to display the still picture when the first duration information indicates to display

the still picture for a finite period of time (col. 39, lines 38-63 – audio and still information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the duration information in the navigation information as disclosed by Ando et al. in the medium disclosed by Kato et al. in order for the playlist to perform more efficiently by knowing the duration of each playtime thereby creating an overall better viewing experience.

Regarding claim **25**, Kato et al. discloses a method of reproducing a data structure for managing reproduction duration of at least one still picture recorded on a recording medium, comprising: reproducing at least one playlist file from the recording medium, the playlist file including at least one playitem and at least one sub-playitem in the playlist file (Fig. 7), the playitem indicating in-point and out-point of a first stream file to reproduce at least one still picture, and the sub-playitem indicating an in-point and out-point of a second stream file to reproduce the audio data (Figs. 3, 7, 32, and 40). However, Kato et al. fails to disclose a controller configured to pickup to record a first stream file for presentation data and a second stream file for audio data on the recording medium, the presentation data being divided into a number of still picture units, the still picture units including at least one still picture and associated related data, the related data not including audio data; and first duration information indicating whether to display the still picture in the still picture unit for one of a finite and an infinite period of time and wherein the playtime further includes second duration

information indicating a length of time to display the still picture when the first duration information indicates to display the still picture for a finite period of time.

Referring to the Ando et al. reference, Ando et al. discloses a method of reproducing a data structure for managing reproduction duration of at least one still picture recorded on a recording medium, comprising: a controller configured to pickup to record a first stream file for presentation data and a second stream file for audio data on the recording medium, the presentation data being divided into a number of still picture units, the still picture units including at least one still picture and associated related data, the related data not including audio data; (Figs. 3, 4, and 11; col. 7, lines 7-63; col. 9, lines 1-33); and reproducing at least one playitem and at least one sub-playitem from the playlist (Figs. 7, 8, and 10), the playitem indicating at least one still picture from a first file to reproduce and providing duration information for display of the still picture, and the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36); wherein the first duration information indicates whether to display the still picture in the still picture unit for one of a finite and an infinite period of time, and wherein playtime further includes second duration information indicating a length in time to display the still picture when the first duration information indicates to display the still picture for a finite period of time (col. 39, lines 38-63 – audio and still information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the duration information in the

Art Unit: 2621

navigation information as disclosed by Ando et al. in the medium disclosed by Kato et al. in order for the playlist to perform more efficiently by knowing the duration of each playtime thereby creating an overall better viewing experience.

Regarding claim **26**, Kato et al. discloses an apparatus for recording a data structure for managing reproduction duration of at least one still picture on a recording medium, comprising: a pickup configured to record data on the recording medium; a controller configured to control the pickup to record at least one playitem and at least one sub-playitem in the playlist file (Fig. 7), the playitem indicating in-point and out-point of a first stream file to reproduce at least one still picture, and the sub-playitem indicating an in-point and out-point of a second stream file to reproduce the audio data (Figs. 3, 7, 32, and 40).

However, Kato et al. fails to disclose a data area storing at least one stream file for presentation data, the presentation data being divided into a number of still picture units, each still picture unit including at least one still picture and associated related data, the related data not including audio data and first duration information indicating whether to display the still picture in the still picture unit for one of a finite and an infinite period of time and wherein the playtime further includes second duration information indicating a length of time to display the still picture when the first duration information indicates to display the still picture for a finite period of time.

Referring to the Ando et al. reference, Ando et al. discloses in Fig. 14 an apparatus for recording a data structure for managing reproduction duration of at

least one still picture on a recording medium, comprising: a pickup configured to record data on the recording medium; a controller configured to control the pickup to record at least one clip information file in a clip information file area of the recording medium, each clip information file being associated with at least one stream file stored in a data area of the recording medium and providing a map for the associated stream file, each map mapping representation time information to address information for the associated stream file (Figs. 3 and 4; col. 7, lines 7-63; col. 9, lines 1-33); and the controller configured to control the optical recording device to record at least one playlist on the recording medium (col. 11, lines 12-15), the playlist referencing the clip information file and including at least one playitem and at least one sub-playitem (Figs. 7, 8, and 10), the playitem indicating at least one still picture from a first file to reproduce and providing duration information for display of the still picture, and the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36); wherein the first duration information indicates whether to display the still picture for one of a finite and an infinite period of time, and wherein playtime further includes second duration information indicating a length in time to display the still picture when the first duration information indicates to display the still picture for a finite period of time (col. 39, lines 38-63 – audio and still information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the duration information in the

Art Unit: 2621

navigation information as disclosed by Ando et al. in the medium disclosed by Kato et al. in order for the playlist to perform more efficiently by knowing the duration of each playtime thereby creating an overall better viewing experience.

Regarding claim **27**, Kato et al. discloses an apparatus for reproducing a data structure for managing reproduction duration of at least one still picture recorded on a recording medium, comprising: a pickup configured to record data on the recording medium (Fig. 1); a controller configured to control the pickup to reproduce a playlist and at least one clip information file area of the recording medium, each clip information file being associated with at least one stream file stored in a data area, the clip information file providing a map for the associated stream file, each map mapping representation time information to address information for the associated stream file (Figs. 2, 14; paragraph [0195]); reproducing at least one playitem and at least one sub-playitem in the playlist file (Fig. 7), the playitem indicating in-point and out-point of a first stream file to reproduce at least one still picture, and the sub-playitem indicating an in-point and out-point of a second stream file to reproduce the audio data (Figs. 3, 7, 32, and 40). However, Kato et al. fails to disclose a controller configured to control the pickup to record at least one clip information file in a clip information file area of the recording medium, each clip information file being associated with at least one stream file stored in a data area of the recording medium and providing a map for the associated stream file, each map mapping representation time information to address information for the associated stream file and first duration

information indicating whether to display the still picture in the still picture unit for one of a finite and an infinite period of time and wherein the playtime further includes second duration information indicating a length of time to display the still picture when the first duration information indicates to display the still picture for a finite period of time.

Referring to the Ando et al. reference, Ando et al. discloses in Fig. 14 an apparatus for reproducing a data structure for managing reproduction duration of at least one still picture recorded on a recording medium, comprising: a pickup configured to reproduce data recorded on the recording medium; a controller configured to control the pickup to record at least one clip information file in a clip information file area of the recording medium, each clip information file being associated with at least one stream file stored in a data area of the recording medium and providing a map for the associated stream file, each map mapping representation time information to address information for the associated stream file (Figs. 3 and 4; col. 7, lines 7-63; col. 9, lines 1-33); and the controller configured to control the optical reproducing device to reproduce at least one playitem and at least one sub-playitem from the playlist (Fig. 7; col. 8, lines 46-56), the playitem indicating at least one still picture from a first file to reproduce and providing duration information for display of the still picture, and the sub-playitem providing navigation information for reproducing audio data from a second file (Figs. 7, 8, and 10; col. 11, lines 31-35; col. 15, lines 34-36); wherein the first duration information indicates whether to display the still picture in the

still picture unit for one of a finite and an infinite period of time, and wherein playtime further includes second duration information indicating a length in time to display the still picture when the first duration information indicates to display the still picture for a finite period of time (col. 39, lines 38-63 – audio and still information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the duration information in the navigation information as disclosed by Ando et al. in the medium disclosed by Kato et al. in order for the playlist to perform more efficiently by knowing the duration of each playtime thereby creating an overall better viewing experience.

Regarding claim **29**, Kato et al. in view of Ando et al. discloses all the limitations as previously discussed with respect to claims 1 and 3 including that the related data includes graphics data (Ando et al.: Figs. 6A and 6B).

Regarding claim **30**, Kato et al. in view of Ando et al. discloses all the limitations as previously discussed with respect to claims 1 and 3 including that the related data includes subtitle data (Ando et al.: Figs. 6A and 6B).

Regarding claims **36** and **37**, grounds for rejecting claims 29 and 30 apply for claims 36 and 37 respectively in their entireties.

Regarding claims **43** and **44**, grounds for rejecting claims 29 and 30 apply for claims 36 and 37 respectively in their entireties.

Regarding claims **50** and **51**, grounds for rejecting claims 29 and 30 apply for claims 36 and 37 respectively in their entireties.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
June 5, 2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621